

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 61 – SB 904

February 23, 2009

SUMMARY OF BILL: Authorizes disclosure of confidential mental health records to law enforcement agencies conducting an investigation or criminal background check.

ESTIMATED FISCAL IMPACT:

Increase State Revenue \$4,100

Increase State Expenditures \$4,100

Increase Local Expenditures - \$4,100*

Assumptions:

- The Department of Mental Health estimates there will be 20 records requested at each of the five of the regional mental health institutes (RMHIs) per year. On average, each record is 75 pages. To provide a copy of the record will result in an increase in expenditures of \$1,125 (20 x 5 x 75 x \$.15 per copy).
- The Office of Open Records Counsel's Schedule of Reasonable Charges authorizes charges for labor to fulfill a records request if more than one hour is incurred. According to the Department, three hours of labor will be incurred per request to obtain and copy the record.
- Based on an average base hourly rate of \$14.90, it is estimated that labor costs incurred for two hours of work for 20 requests at the five RMHIs is \$2,980 (\$14.90 x 2 x 20 x 5).
- The law enforcement agency requesting the records will be responsible for paying for the copy and labor charges estimated to be \$4,105. It is assumed that these requests will come from local law enforcement agencies.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/kml